

CALIFORNIA COASTAL COMMISSION

45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5200



Tu 11b

STATUS REPORT ON**NAVY SWEF NEGATIVE DETERMINATIONS**

DATE: March 23, 2000

TO: Coastal Commissioners And Interested Parties

FROM: Peter Douglas, Executive Director
Mark Delaplaine, Federal Consistency Supervisor

RE: Pending U.S. Navy Negative Determinations for Radar Facilities,
Surface Warfare Engineering Facility (SWEF)
Port Hueneme, Ventura County

STAFF NOTE: On April 30, 1998, the Commission staff objected to two negative determinations for radar systems at the SWEF in Port Hueneme. The Commission staff requested that the Navy submit consistency determinations for the systems. The Navy disagreed with the Commission staff and declined to submit consistency determinations. Based on this disagreement, on August 21, 1998, the Commission requested, and the Navy subsequently agreed, to seek informal mediation of the matter by the Office of Ocean and Coastal Resource Management (OCRM).¹ Working with the Commission staff and the Navy, OCRM convened an expert review panel to advise the Commission on the potential coastal zone effects of the SWEF radar facilities.

The panel included four technical radar experts, Joe Elder, Ed Mantiply, John D'Andrea, and Ross Adey, a wildlife expert, Robert Beason, and a Citizen Observer, Lee Quaintance. The panel's task was described as follows:

The Panel is charged with providing, to the Navy and the California Coastal Commission (Commission), through the mediator, the Office of Ocean and Coastal Resource Management (OCRM), an objective scientific evaluation on whether, and to what extent, the operation of the Navy's Surface Warfare Engineering Facility (SWEF) at Port Hueneme, Ventura County, California, poses impacts to any land or water use or natural resource of the coastal zone or impacts safe public access to the coastal zone. The Panel, in making its evaluations, shall use the materials

¹ Pursuant to federal consistency regulations 15 CFR Part 930, § 930.36 and Subpart G, § 930.110 et seq.

and questions provided by OCRM. Each Panel member is asked to provide its own independent finding. Panel members may communicate with one another and shall inform OCRM of such inter-Panel communications. Requests to use additional information or to communicate with the Navy, the Commission or others shall be made through OCRM. Panel members shall have six weeks to complete their evaluations.

The results of the expert panel's evaluations and recommendations and OCRM's summary are being mailed under separate cover to the Commission for the April 2000 meeting. OCRM's summary is attached to this memo. Upon conclusion of the panel review, all parties understood that the Commission staff would bring back for a public hearing and Commission review the two objected-to negative determinations, which were resubmitted, along with one new negative determination, for radar modifications at the SWEF. The pending cases are as follows:

- 1. ND-5-00 (resubmittal of objected-to ND-26-98):** Four Navy Radar Systems (1) Fire Control System (FCS) MK 99; (2) AN/SPQ-9B Surface Search Radar; (3) AEGIS AN/SPY-1A Antenna Array; and (4) AN/SAY-1 Thermal Imaging Sensor System (TISS) at the main SWEF building (Building 1384).
- 2. ND-6-00 (resubmittal of objected-to ND-52-98):** Navy MK74 MOD 6/8/AN/SPG-51C Fire Control System at Building 5186.
- 3. ND-10-99:** Navy Replacement of MK-78 Mod 1 Director at Building 1384.

For all three negative determinations, the Navy has extended the review period to enable the Commission to consider the panel review. Now that the panel review results are available, the Executive Director is prepared to act on these negative determinations. The panel members made a number of recommendations (Attachment 1). The Navy's response to these recommendations is attached (Attachment 2). The Commission staff believes that the Navy has adequately responded to the panel members' recommendations and has modified its projects to address concerns raised by the panel in a manner that enables the Executive Director to agree with the Navy's negative determinations. Accordingly, attached are three draft Executive Director concurrence letters on these negative determinations, which will not be signed until after the public hearing and after the Commission has had the opportunity for input to the Executive Director as to whether to agree or disagree with the Navy's negative determinations.

Attachments

1. Summary of panel members' evaluations and recommendations
2. Navy response to panel members' recommendations
3. Three draft negative determination concurrence letters

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DRAFT

March 23, 2000

LCDR H.A. Bouika
Environmental, Fire and Safety Director
Department of the Navy
Naval Construction Battalion Center
1000 23rd Ave.
Port Hueneme, CA 93043-4301

Re: **ND-5-00** (formerly ND-26-98) Negative Determination, Navy Radar Systems,
Surface Warfare Engineering Facility (SWEF), Naval Construction
Battalion Center (NCBC), Port Hueneme, Ventura County

Dear LCDR Bouika:

The Coastal Commission staff has received the above-referenced negative determination for the installation of four radar systems at the SWEF, as follows:

1. Fire Control System (FCS) MK 99
2. AN/SPQ-9B Surface Search Radar
3. AEGIS AN/SPY-1A Antenna Array
4. AN/SAY-1 Thermal Imaging Sensor System (TISS)

On April 30, 1998, the Commission staff objected to this negative determination (as well as ND-52-98) for radar systems at the SWEF in Port Hueneme. The Commission staff requested that the Navy submit consistency determinations for the systems. The Navy disagreed with the Commission staff and declined to submit consistency determinations. Based on this disagreement, on August 21, 1998, the Commission requested, and the Navy subsequently agreed, to seek informal mediation of the matter by the Office of Ocean and Coastal Resource Management (OCRM).¹ Working with the Commission staff and the Navy, OCRM convened an expert review panel to advise the Commission on the potential coastal zone effects of the SWEF radar facilities. Now that the panel review results are available, the staff is reconsidering its response to the Navy's negative determination in light of the panel review results and the Navy's response to the panel members' recommendations.

¹ Pursuant to federal consistency regulations 15 CFR Part 930, § 930.36 and Subpart G, § 930.110 et seq.

OCRM summarized the panel members' review as follows:

General Summary - The panel members found that the operation of the SWEF, including its radiofrequency emissions, *in accordance with the Navy's described operational and safety guidelines*, do not, *generally*, pose impacts to any land or water use or natural resource of the coastal zone and do not represent a public health risk. Some of the panel members stated that there may be health or exposure risks to people on vessels transiting or anchoring in the harbor. Most of the panel members recommended steps the Navy can, or should, take to further ensure that the operation of the SWEF is safe, that the Navy's operational and safety guidelines are carefully adhered to and monitored and that radiofrequency measurements in the uncontrolled (off-base) environment are adequate to continue to assess the impact of the radiofrequency emissions. [Emphasis in original]

The recommendations of the panel members include such measures as taking steps to: (1) avoid ships transiting the harbor with SWEF radars; (2) increase public confidence in Navy radar testing by (a) performing a "well designed public exposure assessment study" within the next six months; (b) designating a microwave safety officer; (c) agreeing to comply with any new updated safety guidelines promulgated by public agencies; and (d) submittal of operational logs to an independent federal agency (such as OCRM) on an annual basis; and (3) use a camera to monitor (and avoid affecting) bird roosting on the roof of the SWEF.

In its response, the Navy made several changes to the recommendations. One example of a change is that rather than submit operating logs to a federal agency, annual monitoring reports would be submitted to the Commission. Another change is that, rather than have a "non-DOD RFR measurement expert participate fully in the survey and the writing of the final report submitted to the public," the Navy has agreed to expand on the surveys and their communication to the public, but not to the extent of designating a "non-DOD person" as part of the survey team. The Navy has also not agreed to perform a "public exposure assessment study," but rather has chosen to address this recommendation by improving the existing Radhaz surveys, including doubling the measurement points taken in public (uncontrolled) areas, "translating" the survey results into plain English, and appointing an information officer to answer any questions about the surveys. Nevertheless, the Commission staff believes that the Navy has adequately responded to the panel members' recommendations and has included commitments that enable the Commission and its staff to agree that these radar modifications will not adversely affect coastal zone resources. Among these commitments is that the Navy will continue to test all radar facilities, submit test results to the Commission staff, and continue to coordinate radar modifications at the SWEF with the Commission staff, including, where appropriate, submittal of future consistency or negative determinations for operational or equipment changes at the facility. For its analysis of future changes the Commission staff will rely for its baseline description and level of impacts on the Navy's "Technical Parameters for SWEF emitters," dated February 18, 2000, which was the baseline relied upon by the expert panel, as well as the "to scale" map submitted by the Navy to the panel dated January 13, 2000.

Finally, the Commission staff urges the Navy to agree to conduct a public exposure assessment study along the lines recommended in the expert panel evaluation, including, as recommended, the inclusion of a “non-DOD” measurement expert on the study and report-writing team. For any such study that does not include such expert, the Navy should explain the reasons for the non-inclusion. The Commission staff also wishes to advise the Navy that, in keeping with the Navy’s commitment to conduct more detailed surveys and to better communicate those results to the Commission, the Commission staff expects the Navy to measure and report not only any exceedances of the legally applicable “DOD standards,” but also any exceedance in public areas of the “FCC guideline” (currently 1 mW/ cm²) cited by two of the panel members as an appropriate guideline for public areas.

Therefore, with these considerations and commitments agreed to by the Navy, the Coastal Commission staff agrees with your conclusion that the proposed project will not adversely affect coastal zone resources. We therefore concur with the negative determination made pursuant to 15 C.F.R. Section 930.35(d). If you have any questions, please contact Mark Delaplaine of the Coastal Commission staff at (415) 904-5289.

Sincerely,

DRAFT

PETER M. DOUGLAS
Executive Director

cc: Ventura Area Office
NOAA
Assistant Counsel for Ocean Services
OCRM
Governors Washington D.C. Office
California Department of Water Resources
Chuck Hogle (U.S. Navy)
Suzanne Duffy (U.S. Navy)

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March 23, 2000

LCDR H.A. Bouika
Environmental, Fire and Safety Director
Department of the Navy
Naval Construction Battalion Center
1000 23rd Ave.
Port Hueneme, CA 93043-4301

Re: **ND-6-00** (formerly ND-52-98) Negative Determination, Navy MK74 Radar System, Surface Warfare Engineering Facility (SWEF), Naval Construction Battalion Center (NCBC), Port Hueneme, Ventura County

Dear LCDR Bouika:

The Coastal Commission staff has received the above-referenced negative determination for the installation of the MK74 MOD 6/8/AN/SPG-51C Fire Control System at Building 5186 at the Naval Construction Battalion Center (NCBC) in Port Hueneme. Building 5186 is located near the main SWEF Building, although it is lower in height and closer to publicly accessible areas than the main SWEF building.

This radar facility was placed on Building 5186 in 1996, and in January 1997 the Navy completed a radiation hazard survey of this facility. The Navy states:

Although the height of the MK 74 radar beam is at 42 feet (lower than other systems on the SWEF) and is closer to publicly accessible areas, survey data shows all beach areas, east and west jetty areas, perimeter areas that are public and adjacent to Navy property, and at-sea areas such as the shipping channel are safe, because radio frequency levels in those areas do not exceed the Permissible Exposure Limit (PEL).

On April 30, 1998, the Commission staff objected to this negative determination (as well as ND-26-98) for radar systems at the SWEF in Port Hueneme. The Commission staff requested that the Navy submit consistency determinations for the systems. The Navy disagreed with the Commission staff and declined to submit consistency determinations. Based on this disagreement, on August 21, 1998, the Commission requested, and the Navy subsequently agreed, to seek informal mediation of the matter by the Office of Ocean and Coastal Resource Management (OCRM).² Working with the Commission staff and the Navy, OCRM convened an expert review panel to advise the Commission on the potential

² Pursuant to federal consistency regulations 15 CFR Part 930, § 930.36 and Subpart G, § 930.110 et seq.

coastal zone effects of the SWEF radar facilities. Now that the panel review results are available, the staff is reconsidering its response to the Navy's negative determination in light of the panel review results and the Navy's response to the panel members' recommendations.

OCRM summarized the panel members' review as follows:

General Summary - The panel members found that the operation of the SWEF, including its radiofrequency emissions, *in accordance with the Navy's described operational and safety guidelines*, do not, *generally*, pose impacts to any land or water use or natural resource of the coastal zone and do not represent a public health risk. Some of the panel members stated that there may be health or exposure risks to people on vessels transiting or anchoring in the harbor. Most of the panel members recommended steps the Navy can, or should, take to further ensure that the operation of the SWEF is safe, that the Navy's operational and safety guidelines are carefully adhered to and monitored and that radiofrequency measurements in the uncontrolled (off-base) environment are adequate to continue to assess the impact of the radiofrequency emissions. [Emphasis in original]

The recommendations of the panel members include such measures as taking steps to: (1) avoid ships transiting the harbor with SWEF radars; (2) increase public confidence in Navy radar testing by (a) performing a "well designed public exposure assessment study" within the next six months; (b) designating a microwave safety officer; (c) agreeing to comply with any new updated safety guidelines promulgated by public agencies; and (d) submittal of operational logs to an independent federal agency (such as OCRM) on an annual basis; and (3) use a camera to monitor (and avoid affecting) bird roosting on the roof of the SWEF.

In its response, the Navy made several changes to the recommendations. One example of a change is that rather than submit operating logs to a federal agency, annual monitoring reports would be submitted to the Commission. Another change is that, rather than have a "non-DOD RFR measurement expert participate fully in the survey and the writing of the final report submitted to the public," the Navy has agreed to expand on the surveys and their communication to the public, but not to the extent of designating a "non-DOD person" as part of the survey team. The Navy has also not agreed to perform a "public exposure assessment study," but rather has chosen to address this recommendation by improving the existing Radhaz surveys, including doubling the measurement points taken in public (uncontrolled) areas, "translating" the survey results into plain English, and appointing an information officer to answer any questions about the surveys. Nevertheless, the Commission staff believes that the Navy has adequately responded to the panel members' recommendations and has included commitments that enable the Commission and its staff to agree that these radar modifications will not adversely affect coastal zone resources. Among these commitments is that the Navy will continue to test all radar facilities, submit test results to the Commission staff, and continue to coordinate radar modifications at the SWEF with

the Commission staff, including, where appropriate, submittal of future consistency or negative determinations for operational or equipment changes at the facility. For its analysis of future changes the Commission staff will rely for its baseline description and level of impacts on the Navy's "Technical Parameters for SWEF emitters," dated February 18, 2000, which was the baseline relied upon by the expert panel, as well as the "to scale" map submitted by the Navy to the panel dated January 13, 2000.

Finally, the Commission staff urges the Navy to agree to conduct a public exposure assessment study along the lines recommended in the expert panel evaluation, including, as recommended, the inclusion of a "non-DOD" measurement expert on the study and report-writing team. For any such study that does not include such expert, the Navy should explain the reasons for the non-inclusion. The Commission staff also wishes to advise the Navy that, in keeping with the Navy's commitment to conduct more detailed surveys and to better communicate those results to the Commission, the Commission staff expects the Navy to measure and report not only any exceedances of the legally applicable "DOD standards," but also any exceedance in public areas of the "FCC guideline" (currently 1 mW/ cm²) cited by two of the panel members as an appropriate guideline for public areas.

Therefore, with these considerations and commitments agreed to by the Navy, the Coastal Commission staff agrees with your conclusion that the proposed project will not adversely affect coastal zone resources. We therefore concur with the negative determination made pursuant to 15 C.F.R. Section 930.35(d). If you have any questions, please contact Mark Delaplaine of the Coastal Commission staff at (415) 904-5289.

Sincerely,

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PETER M. DOUGLAS
Executive Director

cc: Ventura Area Office
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March 23, 2000

LCDR H.A. Bouika
Environmental, Fire and Safety Director
Department of the Navy
Naval Construction Battalion Center
1000 23rd Ave.
Port Hueneme, CA 93043-4301

Re: **ND-10-00** Negative Determination, Navy Replacement of MK-78 Mod 1 Director at Building 1384, Surface Warfare Engineering Facility (SWEF), Naval Construction Battalion Center (NCBC), Port Hueneme, Ventura County

Dear LCDR Bouika:

The Coastal Commission staff has received the above-referenced negative determination for the replacement of an existing radar on the third floor of the main SWEF building (Building 1384) at the Naval Construction Battalion Center (NCBC) in Port Hueneme. The Navy proposes to replace the existing MK-78 Mod 1 Director, which is a component of the MK-57 Mod 3 NATO Seasparrow Surface Missile System (a self-defense fire control system), and which has outlived its 10-year life cycle and in need of replacement. The Navy states this project constitutes routine repair/maintenance of existing equipment.

In a related matter, on April 30, 1998, the Commission staff objected to two negative determinations (ND-52-98 and ND-26-98) for radar systems at the SWEF in Port Hueneme. The Commission staff requested that the Navy submit consistency determinations for those systems. The Navy disagreed with the Commission staff and declined to submit consistency determinations. Based on this disagreement, on August 21, 1998, the Commission requested, and the Navy subsequently agreed, to seek informal mediation of the matter by the Office of Ocean and Coastal Resource Management (OCRM).³ Working with the Commission staff and the Navy, OCRM convened an expert review panel to advise the Commission on the potential coastal zone effects of the SWEF radar facilities. The Navy agreed to extend the review period for the subject project to enable the Commission to consider the panel review. Now that the panel review results are available, the staff is prepared to review this negative determination, in light of the panel review results and the Navy's response to the panel members' recommendations.

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OCRM summarized the panel members' review as follows:

General Summary - The panel members found that the operation of the SWEF, including its radiofrequency emissions, *in accordance with the Navy's described operational and safety guidelines*, do not, *generally*, pose impacts to any land or water use or natural resource of the coastal zone and do not represent a public health risk. Some of the panel members stated that there may be health or exposure risks to people on vessels transiting or anchoring in the harbor. Most of the panel members recommended steps the Navy can, or should, take to further ensure that the operation of the SWEF is safe, that the Navy's operational and safety guidelines are carefully adhered to and monitored and that radiofrequency measurements in the uncontrolled (off-base) environment are adequate to continue to assess the impact of the radiofrequency emissions. [Emphasis in original]

The recommendations of the panel members include such measures as taking steps to: (1) avoid ships transiting the harbor with SWEF radars; (2) increase public confidence in Navy radar testing by (a) performing a "well designed public exposure assessment study" within the next six months; (b) designating a microwave safety officer; (c) agreeing to comply with any new updated safety guidelines promulgated by public agencies; and (d) submittal of operational logs to an independent federal agency (such as OCRM) on an annual basis; and (3) use a camera to monitor (and avoid affecting) bird roosting on the roof of the SWEF.

In its response, the Navy made several changes to the recommendations. One example of a change is that rather than submit operating logs to a federal agency, annual monitoring reports would be submitted to the Commission. Another change is that, rather than have a "non-DOD RFR measurement expert participate fully in the survey and the writing of the final report submitted to the public," the Navy has agreed to expand on the surveys and their communication to the public, but not to the extent of designating a "non-DOD person" as part of the survey team. The Navy has also not agreed to perform a "public exposure assessment study," but rather has chosen to address this recommendation by improving the existing Radhaz surveys, including doubling the measurement points taken in public (uncontrolled) areas, "translating" the survey results into plain English, and appointing an information officer to answer any questions about the surveys. Nevertheless, the Commission staff believes that the Navy has adequately responded to the panel members' recommendations and has included commitments that enable the Commission and its staff to agree that these radar modifications will not adversely affect coastal zone resources. Among these commitments is that the Navy will continue to test all radar facilities, submit test results to the Commission staff, and continue to coordinate radar modifications at the SWEF with the Commission staff, including, where appropriate, submittal of future consistency or negative determinations for operational or equipment changes at the facility. For its analysis of future changes the Commission staff will rely for its baseline description and level of impacts on the Navy's "Technical Parameters for SWEF emitters," dated February 18, 2000, which was the baseline relied upon by the expert panel, as well as the "to scale" map submitted by the Navy to the panel dated January 13, 2000.

Finally, the Commission staff urges the Navy to agree to conduct a public exposure assessment study along the lines recommended in the expert panel evaluation, including, as recommended, the inclusion of a “non-DOD” measurement expert on the study and report-writing team. For any such study that does not include such expert, the Navy should explain the reasons for the non-inclusion. The Commission staff also wishes to advise the Navy that, in keeping with the Navy’s commitment to conduct more detailed surveys and to better communicate those results to the Commission, the Commission staff expects the Navy to measure and report not only any exceedances of the legally applicable “DOD standards,” but also any exceedance in public areas of the “FCC guideline” (currently 1 mW/ cm²) cited by two of the panel members as an appropriate guideline for public areas.

Therefore, with these considerations and commitments agreed to by the Navy, the Coastal Commission staff agrees with your conclusion that the proposed project will not adversely affect coastal zone resources. We therefore concur with the negative determination made pursuant to 15 C.F.R. Section 930.35(d). If you have any questions, please contact Mark Delaplaine of the Coastal Commission staff at (415) 904-5289.

Sincerely,

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PETER M. DOUGLAS
Executive Director

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